

Senate Study Bill 3059 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to participation in the sobriety and drug
2 monitoring program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901D.3, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. ~~a. A person who has been required to participate in the~~
4 ~~program by a court or governmental entity and whose driver's~~
5 ~~license is suspended or revoked shall not begin participation~~
6 ~~in the program or be subject to the testing required by the~~
7 ~~program until the person is eligible for a temporary restricted~~
8 ~~license under applicable law.~~

9 ~~b. In order to participate in the program, a person shall be~~
10 ~~required to install an approved ignition interlock device on~~
11 ~~all motor vehicles owned or operated by the person.~~

12 ~~c. A person wishing to participate in the program who has~~
13 ~~been charged with, pled guilty to, or been convicted of an~~
14 ~~eligible offense, but has not been required by a court or~~
15 ~~governmental entity to participate in the program, may apply~~
16 ~~to the court or governmental entity of the participating~~
17 ~~jurisdiction on a form created by the participating~~
18 ~~jurisdiction, and the court or governmental entity may order~~
19 ~~the person to participate in the program as a condition~~
20 ~~of bond, pretrial release, sentence, probation, parole,~~
21 ~~or a temporary restricted license. The application form~~
22 ~~shall include an itemization of all costs associated with~~
23 ~~participation in the program.~~

24 Sec. 2. Section 901D.7, subsections 1 and 2, Code 2020, are
25 amended to read as follows:

26 1. Subject to [sections 901D.3](#) and [901D.6](#), a participant
27 may be placed in the program as a condition of bond, pretrial
28 release, sentence, probation, parole, or a temporary
29 restricted license. ~~However, a person who has been required to~~
30 ~~participate in the program by a court or governmental entity~~
31 ~~and whose driver's license is suspended or revoked shall not~~
32 ~~begin participation in the program or be subject to the testing~~
33 ~~required by the program until the person is eligible for a~~
34 ~~temporary restricted license under applicable law.~~

35 2. a. An order or directive placing a participant in the

1 program shall include ~~the~~ all of the following:

2 (1) The type of testing required to be administered in the
3 program and the.

4 (2) The length of time that the participant is required to
5 remain in the program, which shall be for no less than ninety
6 days. The order or directive shall additionally require

7 (3) A requirement that the participant not have failed
8 a test result or have missed a required testing during
9 the thirty-day period immediately preceding the end of
10 participation in the program.

11 (4) A requirement that the participant submit to the law
12 enforcement agency of the participating jurisdiction proof
13 that the participant has installed an approved ignition
14 interlock device on all motor vehicles owned or operated by the
15 participant prior to the end of participation in the program.

16 b. The person issuing the order or directive shall send a
17 copy of the order or directive to the law enforcement agency of
18 the participating jurisdiction.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill eliminates the requirement that a person who has
23 been ordered to participate in the sobriety and drug monitoring
24 program by a court or governmental entity, and whose driver's
25 license is suspended or revoked, be eligible for a temporary
26 restricted license before beginning participation in the
27 program or being subject to testing required by the program.
28 The bill also eliminates the requirement that a person install
29 an approved ignition interlock device on all motor vehicles
30 owned or operated by the person in order to participate in the
31 program. However, the bill does not amend or eliminate any
32 separate requirement to install an approved ignition interlock
33 device that may exist based on the person's underlying offense.

34 The bill requires an order or directive placing a
35 participant in the program to require the participant to submit

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1 to the law enforcement agency of the participating jurisdiction
2 proof that the participant has installed an approved ignition
3 interlock device on all motor vehicles owned or operated by the
4 participant prior to the end of participation in the program.